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#### KODAK PATENT DEPARTMENT FACSIMILE TRANSMISSION Total Pages Including Cover --3

TO:

ATTN: MAGDA CRUZ

**ART UNIT 2851** 

United States Patent & Trademark Office

FAX No. (703) 872-9306

FROM:

Anita Barker/Atorney, Robert Luke Walker

Patent Legal Staff

EASTMAN KODAK COMPANY

343 State Street

Rochester, New York 14650-2201

FAX NO. 585-477-1148

June 14, 2004

Re:

Docket No. 82161A/THC/RLW U.S. Serial No. 10/084,119 Filed on February 27, 2002

Dear Examiner Cruz:

Per our phone conversation of this afternoon, I am faxing you a Request for Reconsideration and Withdrawal Of Holding Of Abandonment in View of Certificate of Mailing Practice Under 37 CFR 1.8, and copies of the Amendment, and Replacement Figure 1 that were mailed to the US Patent Office on October 7, 2003. I am also sending you a copy of the postcard that was stamped in receipt by the U.S. Patent Office on October 9, 2003. It is respectfully requested that the amendment be considered.

Thank you for your assistance in this matter.

Kindest regards.

Anita Marie Barker

Assistant to Attorney Robert L. Walker

Patent Legal Staff

Telephone: (585) 477-5492

Attachments: Amendment and Replacement Figure 1

Stamped postcard

## CENTRAL FAX CENTER



82161ARLW Custom r No. 01333

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark E. Bridges, et al.

AN IMAGE DISPLAY SYSTEM WITH BODY POSITION COMPENSATION

Serial No. 10/084,119

Filed 27 February 2002

Mailstop Commissioner for Patents P.O. Box 1450 Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2851

Examiner: Magda Cruz

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Ahita Maric Barker
OLUNE 14 2004

### REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF HOLDING OF ABANDONMENT IN VIEW OF CERTIFICATE OF MAILING PRACTICE UNDER 37 CFR 1.8

Applicants have been informed by Examiner Cruz that the subject application has been abandoned for failure to respond to the Office letter mailed August 22, 2003. The Notice of Abandonment was mailed June 8, 2004 and received on June 11, 2004.

A timely response to the Office Action mailed August 22, 2003, including an Amendment was mailed on October 7, 2003. The amendment contained a Certificate of Mailing as set forth in 37 CFR 1.8(a) and signed by Carol J. Murphy, authorizing payment of any additional fees. A Copy of the Amendment is attached to this Request for Withdrawal of Abandonment.

Also attached hereto is a copy of the postcard which accompanied the documents mailed October 7, 2003. The postcard was returned with the Office "MAILROOM" stamp indicating receipt by the United States Patent and Trademark Office on October 9, 2003. As stated in MPEP 503 "A postcard receipt which itemizes and properly identifies the papers which are being filed

serves as prima facie evidence of receipt in the PTO of all items listed thereon on the the date stamped thereon by the PTO."

The amendment mailed on October 7, 2003 and received by the United States Patent and Trademark Office is a complete response to the Official Action mailed August 22, 2003. Therefore, it is respectfully requested that the holding of abandonment be withdrawn in view of the timely mailing with the Certificate of Mailing under 37 CFR 1.8(a).

The undersigned does not believe a Petition to Revive is required, as the subject application has not been abandoned as evidenced by Applicant's timely response mailed October 7, 2003 in accordance with the Certificate of Mailing practice under 37 CFR 1.8(a). In the alternative, it is requested that this letter be considered as a Petition to Revive an unintentionally abandoned application under 37 CFR 1.137(b) as the abandonment was unintentional, and Fees for the Petition to Revive may be charged to Eastman Kodak Company Deposit Account No. 05-0225. (A duplicate copy of this letter is enclosed).

It is respectfully requested that the amendment be considered.

Respectfully submitted.

Attorney for Applicant(s) Registration No. 30,700

Robert Luke Walker/amb Rochester, NY 14650

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